

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

A1 KOH ENTERPRISE GLOBAL, LLC
Employer

and

Case 13-RD-194117

UNITED FOOD AND COMMERCIAL WORKERS LOCAL 1546
Union

and

MAUREEN MADDEN
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., July 19, 2017.

Chairman Miscimarra, dissenting.

Consistent with my concurring opinion in *FJC Security Services*, 360 NLRB 929, 929-931 (2014), I would adhere to the standard established in *MV Transportation*, 337 NLRB 770 (2002), where the Board held that "an incumbent union in a successorship situation is entitled to—and only to—a *rebuttable* presumption of continuing majority status, which will not serve as a bar" to an otherwise valid petition. Here, there is no dispute that a majority of the Employer's workforce consisted of the predecessor's represented employees, and sufficient business continuity existed to require the Employer, as a successor, to recognize and bargain with the Union. Accordingly, in

¹ Our dissenting colleague would reject the successor bar and return to [MV Transportation](#), 337 NLRB 770 (2002). Contrary to our dissenting colleague, and for the reasons stated in [FJC Security Services, Inc.](#), 360 NLRB 929, 929 (2014), we see no basis for departing from the successor bar doctrine articulated in *UGL-UNICCO Service Co.*, 357 NLRB 801 (2011).

accordance with *MV Transportation*, I would grant review and find that the petition warrants an election.

PHILIP A. MISCIMARRA, CHAIRMAN